

'97 JUL 18 P1:19

WAIVER OF CONSTRUCTION LIEN

For Good and Valuable Consideration, receipt of which is hereby acknowledged, the undersigned hereby waives and release any and all mechanic's liens, claims or rights of liens, and all rights acquired by the undersigned to file mechanic's liens or other liens or claims upon the real property belonging to MISTY MOUNTAIN SUBDIVISION, labor or services performed at or materials furnished, or delivered to the real property described, or any building, construction or improvement thereon by the undersigned to this date. The nature of the labor or services performed and/or materials furnished by the undersigned, are described as follows:

Equipment, labor and materials used in the construction of a roadway at the Misty Mountain Subdivision, Klamath County, Oregon, during 1996-1997.

Property Address: 10562 Powell Road, Keno, Oregon 97627

Legal Description:

See Exhibit A attached.

Invoice Date: 5/4/97 to 5/16/97

Amount being Released \$ 6,400.00

Company Name:

JEFFERSON STATE ROCK PRODUCTS  
KENO ROCK PRODUCTS

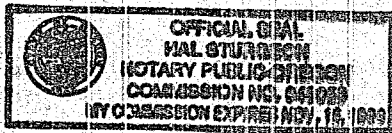
DATED: July 11, 1997

By:

Pete O'Neil  
Pete O'Neil, President

State of Oregon  
County of Klamath

This instrument was acknowledged before me on July 14, 1997 by Pete O'Neil



Hal Sturgeon  
My commission expires: Nov. 16, 1999

# EXHIBIT "A" LEGAL DESCRIPTION

A tract of land situated in the SE1/4 of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon and the NE1/4 of Section 1, Township 40 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon and being more particularly described as follows:

Beginning at a point on the South line of the SE1/4 of said Section 36, said point being South 89 degrees 31' 06" East 532.42 feet from the Southwest corner of the said SE1/4 (by Deed Volume M75, page 5012, Deed Records of Klamath County, Oregon), said point also being the East line of the property described in Deed Volume M75, page 4581, Microfilm Records of Klamath County, Oregon; thence North 00 degrees 20' 04" West, parallel to and 70.00 feet Westerly of the East line of the W1/2 SE1/4 of said Section 36, 1864.02 feet to a point 850.00 feet from the North line of the SE1/4 of said Section 36; thence South 89 degrees 50' 53" East, parallel to and 850.00 feet from the North line of the said SE1/4 to the East line of the W1/2 SE1/4 of said Section 36; thence Northerly along said East line 300.00 feet; thence along the following courses as shown on recorded survey no. 1168, as recorded in the Klamath County Surveyor's Office: South 48 degrees 48' 55" East 587.39 feet, South 18 degrees 15' 57" East 480.42 feet, North 89 degrees 35' 55" West 228.16 feet, North 00 degrees 00' 39" East 30.00 feet, North 89 degrees 35' 55" West 360.25 feet to the East line of the W1/2 SE1/4 of said Section 36; thence Southerly along the said East line to the South line of the SE1/4 of said Section 36; thence South 89 degrees 31' 06" East along said South line 356.31 feet to the Northwest corner of that tract of land described in M68-3307 of the Klamath County deed record; thence Southerly along the West line of said described tract of land 428 feet, more or less, to the Northerly right of way line of State Highway No. 66; thence South 57 degrees 40' West along said Northerly right of way line 704.21 feet; thence North 32 degrees 20' West 766.06 feet; thence North 00 degrees 20' 04" West 220.37 feet to the point of beginning, excepting that tract of land deeded to the State Highway Department as described in D. V. 104, page 557 of the Klamath County Deed Records, with the bearings being based on PONDOSA, a duly recorded plat.

The above described tract of land subject to a 30 foot access easement along the following described line:

Beginning at a point on the Northerly right of way line of State Highway No. 66, said point being South 89 degrees 31' 06" East 532.42 feet and South 00 degrees 20' 04" East 220.37 feet and South 32 degrees 20' East 766.06 feet from the Northwest corner of the NE1/4 of said Section 1; thence North 32 degrees 20' West 766.06 feet; thence North 00 degree 20' 04" West 2084.39 feet; thence South 89 degrees 50' 53" East 740.40 feet, more or less, to the East line of the W1/2 SE1/4 of said Section 36.

EXCEPTING THEREFROM a parcel of land situated in the Southeast quarter of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described as follows:

Beginning at the Southwest corner of Lot 8; thence South 89 degrees 35' 55" East along the South line of Lot 8 a distance of 360.29 feet, more or less, to the East line of the hereinafter described roadway; thence South 0 degrees 00' 39" West along said East line a distance of 30.00 feet; thence South 89 degrees 35' 55" East a distance of 228.16 feet; thence North 18 degrees 15' 57" West a distance of 480.42 feet; thence North 48 degrees 48' 55" West a distance of 587.39 feet, more or less, to a point on the West line of Lot 8, said point being South 0 degrees 17' 52" East, 550.00 feet from the Northwest corner of Lot 8; thence South 0 degrees 17' 52" East along the West line of Lot 8 a distance of 808.90 feet, more or less, to the point of beginning, said roadway being described in that instrument recorded in Volume 101, page 596, Deed Records of Klamath County, Oregon.

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ALSO EXCEPTING THEREFROM a parcel of land situated in the NE1/4 SE1/4 of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of said NE1/4 SE1/4 which bears South 0 degrees 17' 20" East a distance of 850.01 feet from the Northwest corner of said NE1/4 SE1/4 said point also being the Southwesterly corner of parcel described in Deed Volume M77, page 22478, Microfilm Records of Klamath County, Oregon; thence continuing South 0 degrees 17' 20" East a distance of 245.0 feet to a point; thence South 89 degrees 35' 55" East a distance of 360.25 feet to the West line of parcel described in Deed Volume M82, page 11220, Microfilm Records of Klamath County, Oregon; thence North along said West line to its intersection with the Southerly line of said parcel described in Volume M77 on page 22478, Microfilm Records of Klamath County, Oregon; thence along said Southerly line North 68 degrees 18' 48" West a distance of 390.82 feet, more or less, to the point of beginning.

ALSO EXCEPTING THEREFROM A tract of land situated in the NE1/4 of the SW1/4 of the SE1/4 of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the SE1/16 corner of said Section 36 as shown on recorded Survey No. 2556, as recorded in the office of the Klamath County Surveyor; thence South 00 degrees 09' 58" East along the East line of the SW1/4 of the SE1/4, 295.16 feet; thence North 89 degrees 55' 18" West, parallel with the North line of said SW1/4 of the SE1/4, 295.16 feet; thence North 00 degrees 09' 58" West, parallel with the said East line of said SW1/4 of the SE1/4, 295.16 feet to the North line of said SW1/4 of the SE1/4; thence South 89 degrees 55' 18" East 295.16 feet to the point of beginning, with bearings based on said recorded Survey No. 2556.

ALSO EXCEPTING THEREFROM that portion described in Deed Volume M94, page 9121, Microfilm Records of Klamath County, Oregon.

ALSO EXCEPTING THEREFROM any portion of the above described tract lying with the bounds of Tract 1189, MISTY MOUNTAIN, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of South Valley Bank the 18th day  
of July A.D. 19 97 at 1:19 o'clock P. M., and duly recorded in Vol. M97  
of Construction Liens on Page 22745  
Return: S.V. Bank  
Box 5210  
KFC 97601  
FEE \$15.00  
By Bernetha G. Letsch, County Clerk  
Kathleen Ross